

REMARKS

The subject application is an application for reissue of U.S. Patent No. 5,870,370, issued February 9, 1999 from application no. 08/895,511, filed July 16, 1997, which is a continuation of 08/311,050, now U.S. Patent No. 5,694,385 issued December 2, 1997.

The application has been reviewed in light of the Office Action dated February 14, 2003.

The Office Action states that the reissue oath/declaration is defective because Applicants purportedly do not provide information regarding his citizenship, his post office address and foreign applications for which the claim for benefit of an earlier filing date in a foreign country is made.

Applicants transmitted by facsimile to the Examiner on February 14, 2001 and on February 9, 2001, pursuant to the request of the Examiner, copies of the Declaration and Claim for Priority which Applicants submitted in connection with parent applications nos. 08/895,511 and 08/311,050. Applicants maintain that the requested information is contained in the submitted documents.

Claims 1-28 were pending. By the present Amendment, claims 1-10 and 15-28 have been canceled without prejudice and disclaimer, and new claims 29-52 have been added. Accordingly, claims 11-14 and 29-52, with claims 11, 29, 42, 45 and 49 being in independent form, are now pending and presented for examination. It is submitted that no new matter has been added by the present amendment.

Claims 1-6, 8-10, 15, 17-22, 25 and 26 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 4,804,835 to Ando. Claim 16 was rejected under 35 U.S.C. §103(a) as allegedly

unpatentable over Ando in view of U.S. Patent No. 5,136,152 to Lee. Claims 23 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ando in view of U.S. Patent No. 4,626,679 to Kuwayama et al. Claims 24 and 28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ando in view of U.S. Patent No. 4,125,860 to Ishii et al.

Claims 1-10 and 15-28 have been canceled hereinabove, without prejudice and disclaimer. Accordingly, the rejections are now moot.

Applicants thank the Examiner for the indications that claims 11-14 are allowable over the prior art of record, and that dependent claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Office Action stated that the prior art of record fails to teach or fairly suggest (i) an optical pickup having a semiconductor laser and at least one light-receiving element formed in a single stem, and (ii) an optical pickup having a uniaxial crystal plate with a discontinuous discontinuous surface disposed in an optical path between the light source and the objective lens.

Applicants have carefully considered the Examiner's comments and the cited art, and respectfully submit that new claims 29-52, like claims 11-14, are patentable over the cited art.

Each of independent claims 29, 45 and 49 recites the feature that the flux separating element includes a uniaxial crystal with a discontinuous surface disposed in an optical path between the light source and the objective lens. Independent claim 42 recites the feature that the light source and the light-receiving element are formed in a single stem.

Accordingly, Applicants submit that independent claims 29, 42, 45 and 49 are patentable over the cited art.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

The Office is hereby authorized to charge any fees that may be required in connection with this amendment, and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,



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